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November 18, 2002

**EX PARTE**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: WC Docket No. 02-314 – Application of Qwest  
Communications International Inc. for  
Authorization to Provide In-Region, InterLATA  
Service in the States of Colorado, Idaho, Iowa,  
Montana, Nebraska, North Dakota, Utah,  
Washington and Wyoming**

Dear Ms. Dortch:

On August 21 and 22, 2002, Qwest filed with the regulatory authorities in eight of the nine application states copies of previously unfiled contracts with CLECs that contain currently-effective provisions related to Section 251(b) or (c) matters.<sup>1/</sup> These filings were made pursuant to Section 252(e), and the applicable ninety-day statutory period for regulatory approval review will expire November 19 or 20, respectively. Absent earlier Commission action, these agreements will be deemed approved pursuant to the terms of Section 252(e). Qwest also has posted the contracts on its web site and invited other interested CLECs to request such currently-effective provisions pursuant to applicable “opt-in” policies under Section 252(i).

The following is a status report on these filings as of November 15, 2002.

**Colorado**

Qwest filed sixteen contracts on August 21 and 22, 2002. On September 18 the Commission ordered the consideration of the contracts to proceed in two phases. In Phase One, the Commission requested comments from the parties by October 4 regarding the definition of an interconnection agreement or

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<sup>1/</sup> A filing previously had been made with the Iowa Utilities Board on July 29, 2002.

amendment that must be filed under Section 252(e). The Staff filed comments on October 4, and Qwest, AT&T, SBC, WorldCom, and the Office of Consumer Counsel filed comments on October 7, after requesting an extension to address the FCC Order on this topic issued October 4. On October 9, Qwest, WorldCom, the Office of Consumer Counsel and Staff filed replies. The Commission stated its intent, after consideration of the comments, to develop and apply its definition of an interconnection agreement to the 16 agreements that had been filed. If an agreement survived this initial phase and qualified as an interconnection agreement or amendment under Section 252, then that agreement would be subject to the second phase of analysis at which time the Commission would decide whether to approve a particular agreement.

On October 18, 2002, in Decision No. C02-1183, the Commission established a provisional definition of an interconnection agreement to be used exclusively within the context of the 16 agreements before the Commission and deferred adoption of a permanent definition to a planned rulemaking. The Commission found that all 16 of the agreements filed meet the provisional definition and are therefore subject to the Phase Two process.

In Phase Two, Staff, OCC and AT&T filed comments on October 30 on the issue of whether the contracts identified by the Commission as interconnection agreements in Phase One should be approved. Qwest, AT&T, WorldCom and Staff filed replies on or before November 8, 2002. The matter was discussed by the Commission on November 13, 2002, and the Commission indicated orally that it will approved two of the sixteen contracts, and not approve the other fourteen. Qwest anticipates a Commission written order analyzing these decisions by November 19 and 20, 2002, respectively.

## **Idaho**

Qwest filed six contracts on August 21, 2002. On September 19, Qwest filed an application for approval of a new amendment to the McLeodUSA interconnection agreement, which application the IPUC consolidated with the applications for approval of the previous six contracts. The Commission ordered initial comments to be filed by October 25, and reply comments by November 8. Commission Staff and PageData filed comments on October 25. Staff recommended the Commission approve the six contracts filed by Qwest on August 21, 2002 as well as the September 19 amendment to the McLeodUSA agreement. Qwest filed its final reply comments on November 8, 2002. The matter was discussed by the Commission on November 14, 2002 and Qwest anticipates a written order by the expiration of the ninety-day statutory period for regulatory approval review on November 19, 2002.

## **Iowa**

On July 29, 2002, Qwest filed fourteen contracts for approval as a compliance filing pursuant to a previous order of the Board. On August 6, the Board issued a procedural order providing for a fourteen-day comment period. No comments were filed, and on August 27 the Board issued its order approving all fourteen contracts. This matter is concluded.

## **Montana**

Qwest filed seven contracts on August 22, 2002. On September 11 the Commission issued a Notice of Application for Approval of Wireline Interconnection Agreements and Opportunity to Intervene and Comment. The Notice allowed parties to intervene and request a hearing by no later than September 23. No party requested a hearing by that date. No CLEC filed a motion to intervene; only the Montana Consumer Counsel did so and it filed comments on September 23. On October 3, Qwest filed its response to the comments of the Montana Consumer Counsel. In a work session on October 22, 2002, the Commission ordered Qwest to disclose the redacted portions of the agreements and other information. On October 31, 2002, Qwest provided the Commission with the information they requested. Qwest anticipates that the Commission will make a determination by the close of the ninety-day statutory period for regulatory approval review on November 20, 2002.

## **Nebraska**

Qwest filed ten contracts on August 21, 2002. The Commission notice period expired on September 23 and no comments were filed. On September 24 the Commission issued orders approving all ten contracts. This matter is concluded.

## **North Dakota**

Qwest filed three contracts on August 21, 2002. On August 28 the Commission issued a Notice of Opportunity to File Comments by October 1. No comments were filed. The Commission approved the agreements in its open meeting October 10, 2002. This matter is concluded.

## **Utah**

Qwest filed eleven contracts on August 21, 2002. The Commission has referred the contracts to the Division of Public Utilities, which typically issues a recommendation to the Commission. If the DPU recommends approval, past

practice indicates that the Commission will issue a letter allowing the subject terms of the contracts to be effective 90 days after filing. The ninety-day statutory period for regulatory approval review expires on November 19, 2002.

### **Washington**

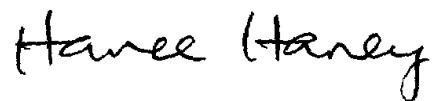
Qwest filed sixteen contracts on August 22, 2002. On September 25 the Commission allowed eight of the contracts to go into effect through its consent agenda. Seven of the remaining eight contracts were also allowed to go into effect through the consent agenda of October 9. The one remaining contract was on the Commission's consent agenda at the October 23 open meeting and allowed to go into effect. This matter is concluded.

### **Wyoming**

Qwest filed four contracts on August 21, 2002. The matter was on the agenda for the October 10 open meeting, and Staff, Qwest, AT&T, WorldCom, and Contact provided oral presentations regarding further proceedings. The Commission directed Qwest to provide additional documentation, if any, regarding the four contracts. On October 15, 2002, Qwest filed the supplemental information as requested. Also on October 15, 2002, the Commission issued its Order for Public Notice allowing parties until October 25, 2002 to file comments. WorldCom and AT&T intervened and filed initial comments. Qwest filed reply comments. On November 5, 2002, the Commission orally approved all contracts in their entirety. On November 14, 2002, the Commission issued its written order approving all four contracts. This matter is concluded.

If you have any questions, please contact Peter Rohrbach at Hogan & Hartson.

Respectfully submitted,

A handwritten signature in black ink that reads "Hamee Haney". The signature is written in a cursive, slightly slanted style.

cc: E. Yockus  
M. Carowitz  
G. Remondino  
J. Myles  
R. Harsch  
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C. Post  
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